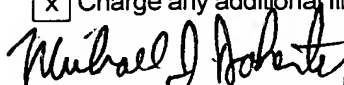
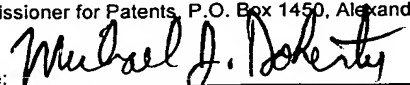


IFW

| AMENDMENT TRANSMITTAL LETTER   |                                  |  | Docket No.<br>SPINE 3.0-446 CIP II CONT |      |
|--|----------------------------------|--|---|------|
| Application No.<br>10/725,297  | Filing Date<br>December 1, 2003  | Examiner<br>J. G. Blanco   | Art Unit<br>3738                        |      |
| Applicant(s): James D. Ralph, Stephen Tatar, and Joseph P. Errico  |                                  |  |   |      |
| Invention: INTERVERTEBRAL SPACER DEVICE HAVING A SLOTTED DOMED ARCH STRIP SPRING   |                                  |  |   |      |
| <b>TO THE COMMISSIONER FOR PATENTS</b>   |                                  |  |   |      |
| Transmitted herewith is an amendment in the above-identified application.<br>The fee has been calculated and is transmitted as shown below.  |                                  |  |   |      |
| <b>CLAIMS AS AMENDED</b>   |                                  |  |   |      |
|  | Claims Remaining After Amendment | Highest Number Previously Paid   | Number Extra Claims Present             | Rate |
| Total Claims   | 7                                | - 20 =   |   | x    |
| Independent Claims   | 2                                | - 3 =  |   | x    |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/>   |                                  |  |   |      |
| Other fee (please specify):  |                                  |  |   |      |
| <b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:</b>  |                                  |  |   | 0.00 |
| <input checked="" type="checkbox"/> Large Entity <input type="checkbox"/> Small Entity   |                                  |  |   |      |
| <input checked="" type="checkbox"/> No additional fee is required for this amendment.  |                                  |  |   |      |
| <input type="checkbox"/> Please charge Deposit Account No. <u>12-1095</u> in the amount of \$ _____.<br>A duplicate copy of this sheet is enclosed.  |                                  |  |   |      |
| <input type="checkbox"/> A check in the amount of \$ _____ to cover the filing fee is enclosed.  |                                  |  |   |      |
| <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.  |                                  |  |   |      |
| <input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. <u>12-1095</u> as described below. A duplicate copy of this sheet is enclosed.  |                                  |  |   |      |
| <input checked="" type="checkbox"/> Credit any overpayment.  |                                  |  |   |      |
| <input checked="" type="checkbox"/> Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.   |                                  |  |   |      |
| <br>Michael J. Doherty<br>Attorney Reg. No.: 40,592   |                                  | Dated: <u>November 11, 2004</u>  |   |      |
| LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP<br>600 South Avenue West<br>Westfield, New Jersey 07090<br>(908) 518-6337   |                                  |  |   |      |
| I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below. |                                  |  |   |      |
| Dated: November 11, 2004   |                                  | Signature:  (Michael J. Doherty) |   |      |

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: November 11, 2004

Signature:

(Michael J. Doherty)

Docket No.:

SPINE 3.0-446 CIP II CONT  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Ralph et al.

Application No.: 10/725,297

Filed: December 1, 2003

For: INTERVERTEBRAL SPACER DEVICE  
HAVING A SLOTTED DOMED ARCH  
STRIP SPRING (As Amended)

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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:  
:  
: Group Art Unit: 3738  
:  
: Examiner: Javier G.  
Blanco  
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AMENDMENT

Dear Sir:

The present Amendment is in response to the Office Action mailed May 21, 2004 in the above-identified application.